

EXHIBIT D

LAW OFFICE OF FEYI GAJI
36 OAK STREET
BINGHAMTON, NEW YORK 13905

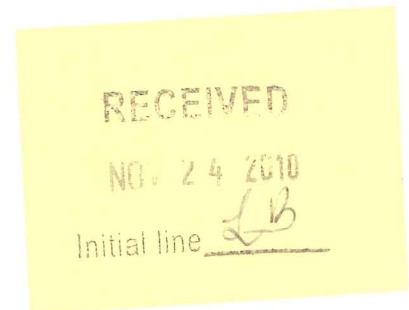
TEL: (607) 772-0803
FAX: (607) 723-4059

e-mail: feyigaji@aol.com

November 23, 2010

Sarah F. Henry, Esq.
Federal Express Corporation
3620 Hacks Cross Road
Building B, 3rd Floor
Memphis, TN 38125

RE: Verrocchio v. Federal Express Corporation
Case No.:3:09-cv-01376-TJM-DEP



Dear Sarah:

Enclosed please find copies of the following documents in the above-referenced matter:

1. IME Report – Bal Nemani, M.D.
2. IME Report – Jin Bai Kim, M.D.
3. IME Report – Charles R. Reina, M.D.
4. Medical Reports – Matthew Bennett, M.D. – Tier Orthopedic Associates, P.C.
5. Medical Reports – Angela Crawford, Ph.D. – Southern Tier Pain Management Center
6. Medical Reports – David Kammerman, M.D. – Center for Pain Relief
7. Medical Reports – Gary Williams, O.D. – United Health Services
8. Medical Reports – Linda Miller, M.D. – Lourdes Hospital
9. Supplemental Medical Report - Matthew Bennett, M.D.
10. Supplemental Medical Report – Angela Crawford, Ph.D.
11. Supplemental Medical Report – David Kammerman, M.D.
12. Supplemental Medical Report – Gary Williams, O.D.
13. Job Descriptions Referred to in Supplemental Medical Reports
13. Addendum Report – Alan C. Winship

We have approximately 427 copies in order to send you these documents. Please reimburse my office \$42.70 to cover that cost.

Very truly yours,


Feyi O. Gaji

FG/mm

cc: Patrick J. Kilker, Esq.
Gabrielle Verrocchio



TIER ORTHOPEDIC ASSOCIATES, P.C.

100 PLAZA DRIVE
VESTAL, NY 13850-3641
(607)-798-9356

November 3, 2010

Law Office of Feyi Gaji
36 Oak St.
Binghamton, NY 13905

RE: Gabriele E Verrocchio
DOB: 05/05/1962

Dear Mr. Gaji:

You have asked for response as to the suitability of job descriptions for Gabe Verrocchio. You have included several job descriptions that Gabe could potentially do.

I have had the opportunity to review these job descriptions. I believe that Gabe could perform these activities had he had sufficient time to recuperate with reasonable accommodations given the nature of his injuries. Specifically enclosed in this packet was a manager, owner operator recruiting, supplemental field office, customer service representative, billing clerk - part time. To reiterate, I think given enough time, Gabe would be potentially capable of performing any of these jobs.

If I can be of any further assistance or you have any questions, please don't hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Bennett". The signature is fluid and cursive, with the first name "Matthew" and last name "Bennett" clearly distinguishable.

Matthew T. Bennett, MD

/tf

11/01/2016 14:34

6077546926

STPMC

PAGE 01/01

Southern Tier

PAIN

Management

Center

Sanford E. Geller, Ph.D.

STPMC Founder

Work Injury Program

**Motor Vehicle Accident
(MVA) Recovery Program**

Marilyn I. Geller, Ph.D.

Program Director

Angela Crawford, Ph.D.

Psychology Services Director

Nathan Hare, Ph.D.

Neuropsychological Services Director

Todd Mansfield, PT, OCS

Physical Therapy Service Director

Dawn Ciriglione, PTA

Donna McCall, MS, OTR/L

Occupational Therapy Coordinator

Cognitive Rehabilitation Therapist

Douglas J. Taber, DC, DAAPM

Chiropractic Services Director

David E. Kammerman, M.D.

Independent Medical Consultant

200 Front Street
Vestal, NY 13850

Tel: 607-754-2313
Fax: 607-754-6926

November 1, 2010

Law Office of Feyi Gaji
36 Oak Street
Binghamton, New York 13905

RE: Gabriele Verrocchio

DOB: 5/5/62

Dear Mr. Gaji,

This letter is in response to your correspondence dated October 27, 2010, requesting my opinion on the suitability of various positions for Gabe Verrocchio had he been "allowed sufficient time to recuperate with reasonable accommodation given the nature of his injuries."

Please note that Mr. Verrocchio sustained physical injuries, as well as cognitive impairments and emotional adjustment difficulties as a result of his injury. As a licensed psychologist, I can only comment with respect to the emotional difficulties, as this was the focus of his treatment with me. He would need input from his other specialists regarding his physical abilities.

With regard to his emotional difficulties (depression, anxiety, frustration), it is likely that with appropriate, timely treatment of his injuries, he would most likely show improvements that would enable him to function appropriately from an emotional standpoint. The Billing Clerk position, Customer Service Representative and Supplemental Field Office seem to be positions he may have been suitable for with appropriate time to heal physically and emotionally.

Please let me know if you need further information.

Sincerely,

Angela L. Crawford, Ph.D.

Angela L. Crawford, Ph.D.
Licensed Psychologist

11/15/2010 MON 21:41 FAX 607 754 6130 center for pain relief

004/004



November 11, 2010.

Feyl Gaji, Attorney
36 Oak Street
Binghamton, NY 13905

Re: VERROCCHIO, GABRIELE E.
DOB: 05/05/62

Dear Mr. Gaji:

I am responding to your request for a letter on behalf of the above-mentioned patient, the date of your letter being October 27, 2010. In it, you asked for my opinion on the suitability of any of the enclosed jobs for my patient.

The first job description was manager, owner, and operator recruiting; the second one was supplemental field office; the third one was customer service representative; and the last was billing clerk, part time.

I have reviewed the job requirements for these three positions as supplied to me. None of the jobs requires activities, which would be unable to be performed by Mr. Verrocchio. He is suffering from headache and chronic cervical pain as well as visual difficulties and referred pain into the left arm and shoulder consistent with radiculopathy. As such, it would be ill advised for him to do repetitive reaching activities with his upper limbs, heavy lifting, repetitive cervical flexion, extension, and rotational movements.

The job requirements as described to me would not require of these kinds of activities.

It is therefore my opinion that if Federal Express had allowed the patient sufficient time to recuperate and offered reasonable accommodation given the nature of his injuries, that he might have been able to return to work. His original injury occurred on December 23, 2006 and he was let go from his employer in September 2007.


Sincerely,

David Kammerman M.D.
Board Certified in Physical Medicine & Rehabilitation

Dictated by David Kammerman, MD
DK/dlg.DKE

200 Front Street, Vestal, NY 13850
phone 607.748.7468 fax 607.754.6130

R. GARY J. WILLIAMS, FAAO, FCOVD
 R. RAYMOND J. MINT
 TOMETRISTS
 LEARNING RELATED VISION PROBLEMS
 CONTACT LENSES
 VISION THERAPY

293 MAIN STREET
 POST OFFICE BOX 297
 OWEGO, NEW YORK 13827
 TELEPHONE 607-687-3391
 FAX 607-687-4226
 EMAIL: SOLOWILLODPC@STNY.RR.COM

November 3, 2010

Keyi Gaji
 16 Oak Street
 Binghamton, NY 13905

COPY

Dear Mr. Gaji,

This letter is in response to your correspondence dated October 27, 2010, requesting my opinion on the suitability of various positions of employment for Mr. Gabriele Verrocchio if he had been "allowed sufficient time to recuperate with reasonable accommodation given the nature of his injuries."

Vision Therapy was recommended for Mr. Verrocchio to rehabilitate his visual system and to re-integrate his ability to use visual information for daily tasks. The traumatic brain injury he sustained as a result of the accident impaired his ability to function in an everyday environment without neurological or physical adaptations such as, but not limited to special lenses, noise reduction, time restraints, ergonomically correct workspace, frequent physical breaks, and adequate recovery times.

Adaptation:	Reasons:
Polarized Light Reduction Lenses	Photophobia due to trauma to the occipital lobes
Noise Reduction (i.e. earplugs or headset)	Overstimulation of the auditory sensory system
Time Restraints (i.e. limited hours and no overtime)	Limited neurological and physical stamina
Ergonomically correct workspace	Reduced proprioceptive stimulation for visual, neurological, and physical stamina
Frequent physical breaks (i.e. time away from workstation)	Increase the amount of time to adequately sustain productivity

Mr. Verrocchio could be productive in a workplace environment given appropriate treatments, timely treatment of his injuries, and accommodations in the workplace. The jobs that were enclosed with your letter would be suitable with the consideration of above stated information.

If you have any concerns or questions, please contact our office.

Sincerely,



Gary J. Williams, OD
 Xc: Gabriele Verrocchio
 GJW/ima

Mgr, Owner Operator Recruiting

Overview:

Manages, directs, and sets department goals to meet recruitment, retention, and forecast needs. Manages the individual performance of professional recruiting staff to regulate the flow of new trucks and increase Independent Contractor (driver) retention. Designs and implements market recruitment standards, guidelines, and strategies to meet specific segment requirements and improve FedEx Custom Critical's competitive position in the expedited industry.

Position Information:

The successful candidate in this role will:

- Lead a department of professional recruiting team members. Oversees the development and performance management of this staff, assessing strengths and opportunities. Creates action plans to assist in meeting the individual career development goals.

- Manage and create a department budget

- Design and implement market recruitment strategies using traditional marketing plan design and rollout practices. Allocate advertising dollars and negotiate charges. Determine the appropriate truck shows to attend and exhibit.

- Accountable for proper fleet size; ensure contractors meet department of transportation and safety guidelines for trucks, owner operators, and their drivers.

- Responsible for managing driver / contractor bonus and referral programs

- Gather and disseminate competitive intelligence.

Qualifications:

Requirements:

Requires 5 years of experience in transportation, preferably in the driver recruiting and / or sales function .

Requires 5 years of experience in effective leadership and management

In addition, our preferred candidates will have:

- Proven history of meeting and exceeding specific, measurable objectives

- Demonstrated ability to hold self and other accountable

- Strong ability to proactively collaborate and network with others, both internally and externally

- Strong ability to effectively manage several detailed processes

- Working knowledge of microsoft office, and ability to learn and leverage additional technologies

Supplemental Field Office

Overview:

This is a part-time position. Handle needs of customers, process documentation that accompanies the movement of freight and perform other administrative duties as necessary in the daily operation of the service center.

Position Information:

- Enter data into current system(s)
- Comply with all applicable laws/regulations, as well as company policies/procedures
- Track status of shipments as requested
- Verify and complete required documentation and reports
- Perform administrative functions, including, but not limited to filing, answering phones, imaging
- Communicate with sales and operations
- Assist customers to determine pick-up or delivery needs
- Demonstrate internal and external customer service
- Ask for additional business from customers, and provide leads to sales for potential new opportunities
- May reconcile cash and checks collected and prepare deposits
- May perform overage, shortage and damage (OS&D) functions
- Perform other duties as required

Disclaimer: This job description is general in nature and is not designed to contain or to be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to the job.

Qualifications:

QUALIFICATIONS:

- High school diploma or equivalent
- Must be at least 16 years of age
- Able to count and perform basic math, with or without a calculator
- Basic written and verbal communication skills (documentation, communication with peers, supervisors, etc.)
- Basic e-mail use and Microsoft Word and Excel skills preferred
- Demonstrated time management, organizational and multi-tasking skills
- Able to multi-task
- Able to follow instructions and complete required training
- Able to work alone or as a team member

WORKING CONDITIONS:

- Office/dock environment
- Fast-paced; dead-line oriented
- Some overtime/weekend work may be required; some shifts require evening/nighttime hours

Job ID: 31025

Job Title: Supplemental Field Office

Customer Service Representative

Description

Provide and ensure a high level of customer service by developing and maintaining a strong relationship with customers' front line personnel in the various operating divisions and subsidiaries.

Prepare, analyze, and/or submit documentation to the appropriate parties (U.S. Customs and Border Protection (CBP) agents, clients) in order to ensure they are in accordance with all applicable laws and regulations relating to CBP and transportation.

Anticipate, identify, and resolve problems which could delay the timely release or movement of freight.

Maintain relationships with correspondent brokers, Transport & Brokerage, and other service providers to ensure that agents exceed the customers' service requirements.

Resolve banking and letter of credit problems. Advise customers on payment terms.

Resolve billing issues and ensure that invoicing and vendor payments are billed accurately.

Complete accurate data input or corrections into computer files.

Obtain payment on delinquent accounts and/or complete accounting adjustment forms for review.

For Transportation Customer Service Representatives: develop rates and/or provide quotes for the movement of freight. Research and negotiate carrier rates.

Resolve billing issues, coordinate post entry activity on customer's behalf.

Air Transportation: incumbent may be required to physically lift or transport freight.

Customs House Broker (CHB): incumbent may be required to be available for off-site and overtime cargo clearing on an as-needed basis.

Ocean Transportation: when requested, will accompany managers/supervisors on customer calls.

The incumbent(s) of this position is expected to perform all other related duties as assigned.

High School diploma/equivalent. Proficient computer skills. Strong customer service, organizational and communication (written/oral) skills. Strong knowledge of U.S. Customs and Border Protection (CBP) regulations and other federal regulations and requirements with respect to specific area of expertise (CHB, Air Transportation, Ocean Transportation, Surface Transportation). CHB: proficient in H.T.S. Classification and familiarity with the Harmonized Tariff System. Air Transportation: Department of Commerce and Treasury regulations such as export licensing and schedule B Tariff Classifications. Banking requirements for International Trade. Regulations regarding dangerous goods shipping and foreign regulations. Ocean Transportation: BSA - ICC 400/500/322. Hazardous materials, Shipping Act of 1984, plant quarantine, USDA regulations, SGs and other independent surveyor and tariff requirements. Surface Transportation: regulations for import/export; DOT. Basic math skills for conversions to metric and currency evaluations. One and a half (1-1/2) years of work/field experience preferred.

Job ID: 834310_07072010_PD

Billing Clerk - Part Time

Overview:

This is a part-time position.

Responsible for processing the documentation that accompanies the movement of freight, including entering freight shipment information into computer system to generate freight bill and performing other administrative duties as necessary in the daily operation of the service center.

Position Information:

- Enter data into computer system
- Verify and complete required documentation and reports.
- Perform administrative functions including but not limited to typing, filing, answering phones, faxing, etc.
- Communicate with sales and operations
- Assist customers to determine pick-up or delivery needs and/or status and respond to billing questions
- Demonstrate internal and external customer service
- Ask for additional business from customers, and provide leads to sales for potential new opportunities
- Reconcile cash and checks collected and prepare deposits, as required
- Administer freight pick-up process, as required
- Perform overage, shortage and damage (OS&D) functions, as required
- Comply with all applicable laws/regulations, as well as company policies/procedures
- Perform other duties as required

Disclaimer: This job description is general in nature and is not designed to contain or to be interpreted as a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to the job.

WORKING CONDITIONS:

- Office/dock environment
- Fast-paced; deadline oriented
- Hours may vary due to operational need

Qualifications:

- Proficient Typing and Data Entry (10-key) skills
- Ability to count and perform basic math, with or without a calculator
- Above-average written and verbal communication skills (documentation, communication with peers, supervisors, etc.)
- Experience and ability to use Microsoft Office Software, including but not limited to: Word, Excel, and Outlook, preferred
- Demonstrated time management, organizational and multi-tasking skills
- Ability to follow instructions and complete required training
- Ability to work independently and/or as a team member